

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

**for June 21, 2006 PLANNING COMMISSION MEETING**

**P.A.S.:** CZ#06023 and Misc#06005

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

**PROPOSAL:** Increase and amend the fees for City zoning and subdivision applications.

**CONCLUSION:** The increase in the fees will not have a significant impact on the cost of housing and development, but it will assist in reducing the cost to the general taxpayers for providing planning services.

<b><u>RECOMMENDATION:</u></b>
-------------------------------

Approval
----------

### **GENERAL INFORMATION:**

#### **LEGAL DESCRIPTION:**

Land Subdivision Ordinance Title 26 of the LMC: Chapter 26.33 Fees.

Zoning Ordinance Title 27 of the LMC Chapter 27.80 Fees.

#### **ANALYSIS:**

The proposed increase in fees is intended to keep pace with inflation to maintain the goal for cost recovery that was set when fees were increased in 1999 and 2003. The increase should not significantly increase the cost of housing and development. At the present time, most projects are reviewed by numerous departments and agencies including the Public Works & Utilities, Fire, Police, 911 emergency services, Health, LES, Finance and Law Departments and other County, State and Federal agencies. Even with the increase in the fees, the revenue collected would cover less than half of the Planning Department's cost of processing applications and almost none of the costs of the other departments and agencies in processing the applications.

Last year, the Health Department did request a new fee to cover part of their cost of reviewing planning applications in which land is being subdivided and served by on site wastewater systems. The City Council, for the three-mile area outside Lincoln, and the County Board for its jurisdiction in the unincorporated area, approved a base fee of \$275.00 plus a per lot fee of \$10.00 with a maximum lot fee of \$1,000.00. This fee is located in the Health Department's chapters of the City and County Codes, and so it was not brought to the Planning Commission

for their recommendation. However, the Planning Department agreed to collect this fee for the Health Department in the interest of customer service.

This year, the Parks & Recreation Department has requested another new fee that would be collected by the Planning Department and placed in the Subdivision Ordinance. They are proposing to charge \$4.00 per street tree with final plat applications. This is expected to cover the cost of reviewing street tree plans, calculating sureties, inspecting the planting and releasing of sureties when the plants have survived for one year and conducting classes on planting and issuing certificates to contractors.

One of the more significant changes is the increase in base and per lot/dwelling unit fees for Community Unit Plans, Planned Unit Developments, Use Permits, and Plats. A couple of years ago, the ordinances were amended to no longer require the separate submission of preliminary plats when CUPs, PUDs or Use Permits were meeting the same requirements. The application fees were not adjusted at the same time, and the result was nearly a 50% loss in fees for those developments. Staff did see some time savings with those amendments, but not enough to justify a reduction of this size.

Fees to-date in the current fiscal year (2005-06) are down about 25% from the two previous years, reflecting the downward trend in building construction. So unless this trend reverses, revenues in the next fiscal year will not reach the levels of those previous years, even with the proposed fee changes.

### Summary of fees and changes:

<u>ZONING FEES</u> -(SEE CHAPTER 27.80 LINCOLN MUNICIPAL CODE)		
Administrative Amendment .....	<del>\$125.00</del>	<u>\$150.00</u>
Administrative permits (Wireless) .....	<del>\$125.00</del>	<u>\$150.00</u>
Airport Zoning District Height Permit .....	\$250.00 <sup>1</sup>	
Board of Zoning Appeals .....	\$250.00 <sup>1</sup>	
Change of Zone to:		
AG, AGR, R-1, R-2, R-3 and R-4, 1 acre or less .....	\$250.00	
AG, AGR, R-1, R-2, R-3 and R-4, greater than 1 acre .....	<del>\$370.00</del>	<u>\$400.00</u>
Other districts, 1 acre or less .....	<del>\$370.00</del>	<u>\$400.00</u>
Other districts, greater than 1 acre .....	<del>\$740.00</del>	<u>\$750.00</u>
Text Change .....	<del>\$250.00</del>	<u>\$300.00</u>
Community Unit Plan, Mobile Home Court & Mobile Home Sub .....	<del>\$250.00</del> <sup>2</sup>	<u>\$750.00</u>
per dwelling unit (maximum \$3000) .....	<del>\$25.00</del> <sup>2</sup>	<u>\$50.00</u>
Mobile Home Court and Mobile Home Sub., per space(max \$3000) .....	<del>\$25.00</del> <sup>2</sup>	<u>\$50.00</u>
Planned Unit Development:		
Base .....	<del>\$500.00</del>	<u>\$750.00</u>
Per dwelling unit (maximum <del>\$2500</del> <u>\$3000</u> ) .....	<del>\$25.00</del>	<u>\$50.00</u>
Postponement Fee .....	<del>\$125.00</del>	<u>\$150.00</u>
Reduction of Required Parking .....	\$250.00	
Special Permit (other than CUP, Mobile Home Court & Mobile Home Sub)		
1 acre or less .....	\$250.00	
Greater than 1 acre .....	<del>\$740.00</del>	<u>\$750.00</u>

Use Permit .....	<del>\$740.00</del>	
<u>Base</u> .....	<u>\$750.00</u>	
<u>Per lot fee (maximum \$3000)</u> .....	<u>\$50.00</u>	
Waiver of Paved Parking .....	\$250.00	
Waiver of <del>Design Standards (not part of other applications)</del> .....	<del>\$125.00</del>	<u>\$250.00</u>
All other zoning applications .....	\$250.00	

SUBDIVISION FEES -(SEE CHAPTER 26.33 LINCOLN MUNICIPAL CODE)

Final Plat:		
Base .....	<del>\$125.00</del>	<u>\$150.00</u>
Per lot (maximum <del>\$2000</del> <u>\$3000</u> ) .....	<del>\$25.00</del>	<u>\$50.00</u>
<u>Parks &amp; Recreation Dept., Street Management Fee</u> .....	<u>\$4.00</u>	<u>per street tree</u>
Postponement Fee .....	<del>\$125.00</del>	<u>\$150.00</u>
Preliminary Plat:		
Base .....	<del>\$600.00</del>	<u>\$750.00</u>
Per lot (maximum <del>\$2500</del> <u>\$3000</u> ) .....	<u>\$50.00</u>	
Request to Amend the Conditions of an Approved Final Plat .....	\$250.00	
Street Name Change Fee .....	\$250.00	
Survey Error/Corrected Final Plat .....	\$125.00	
Text Change .....	<del>\$250.00</del>	<u>\$300.00</u>
Vacated Final Plat .....	\$250.00	
Waiver .....	<del>\$125.00</del>	<u>\$250.00</u>
All other subdivision applications .....	\$250.00	
Comprehensive Plan Amendment .....	<del>\$250.00</del>	<u>\$300.00</u>
Comprehensive Plan Conformance ( Conservation easements) .....	<del>\$250.00</del>	<u>\$300.00</u>
Vacation of Public Ways (Chapter 14.20.020 LMC) .....	\$125.00	
City/County Health Department Area Development Fee		
Base .....	\$275.00	
Per Lot .....	\$10.00	
Maximum combined base fee and per lot fee .....	\$1000.00	

1. File with Building and Safety
2. ~~The maximum unit fee is \$2,500.00. Credit shall be given for any unit fees paid in connection with subdivision of the CUP.~~
3. 1 For lot fee, exclude outlots.

Attached are the proposed text amendments in legislative form.

Prepared by:

---

Ray Hill Planner

**DATE:** June 12, 2006

**APPLICANT:** Director of Planning Marvin S. Krout

**CONTACT:** Ray Hill Planner  
Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Ne  
441-6371, [rhill@ci.lincoln.ne.us](mailto:rhill@ci.lincoln.ne.us)

**Title 27 Zoning Ordinance**

**Chapter 27.80**

**FEES**

**Sections:**

- 27.80.010 General Regulations.**
- 27.80.020 Change of Zone.**
- 27.80.025 Planned Unit Development.**
- 27.80.030 Use Permits.**
- 27.80.040 Community Unit Plan or Mobile Home Court/Mobile Home Subdivision.**
- 27.80.060 Special Permit.**
- 27.80.070 Administrative Amendments.**
- 27.80.080 Board of Zoning Appeals.**
- 27.80.090 Airport Zoning.**
- 27.80.100 Parking.**
- 27.80.105 Flood Plain Development Permits.**
- 27.80.110 Changes in Text.**
- 27.80.125 Postponement Fee.**
- 27.80.130 General Fees.**
- 27.80.135 Waiver Fees.**
- 27.80.140 Exemption for City Filing on Its Own Behalf.**

**27.80.010 General Regulations.**

The fees set forth in this chapter shall apply to this title. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the City Council or other appropriate authority. (Ord. 12571 §406; May 8, 1979).

**27.80.020 Change of Zone.**

The following fees shall be charged at the time of filing an application for a change of zone:

(a) For the filing of an application for a change of zone to the AG, AGR, R-1, R-2, R-3, and R-4 zoning districts:

(1) Where the area for which the change of zone is requested is one acre or less, the application fee shall be \$250.00;

(2) Where the area for which the change of zone is requested is in excess of one acre, the application fee shall be ~~\$370.00~~ \$400.00;

(b) For the filing of an application for a change of zone to all other zoning districts:

(1) Where the area for which the change of zone is requested is one acre or less, the fee shall be ~~\$370.00~~ \$400.00;

(2) Where the area for which the change of zone is requested is in excess of one acre, the fee shall be ~~\$740.00~~ \$750.00. (Ord. 18229 §6; August 18, 2003: prior Ord. 17548 § 1; September 7, 1999: Ord. 15214 §1; July 10, 1989: Ord. 12571 §407; May 8, 1979).

**27.80.025 Planned Unit Development.**

The following filing fees shall be charged at the time of filing an application for a planned unit development:

(a) Filing fee of ~~\$500.00~~ \$750.00.

(b) Unit fee of ~~\$25.00~~ \$50.00 per dwelling unit to a maximum unit fee of ~~\$2,500.00~~ \$3,000.00.

(Ord. 18484 §1; December 20, 2004: prior Ord. 18229 §7; August 18, 2003: Ord. 17548 § 2;

September 7, 1999: Ord. 15214 §2; July 10, 1989).

**27.80.030 Use Permits.**

~~An application fee of \$740.00~~ The following filing fees shall be charged at the time of filing an application for a use permit in the B-2, B-5, O-3, R-T, and I-3 zoning districts.

(a) Filing fee of \$750.00.

(b) Lot fee of \$50.00 per lot to a maximum unit fee of \$3,000.00.

(Ord. 18229 §8; August 18, 2003: prior Ord. 17548 § 3; September 7, 1999: Ord. 17232 §22; August 18, 1997: Ord. 16789 §1; May 8, 1995: Ord. 15214 §3; July 10, 1989: Ord. 14138 §5; July 1, 1985: Ord. 12751 §33; November 5, 1970: Ord. 12571 §408; May 8, 1979).

**27.80.040 Community Unit Plan or Mobile Home Court/Mobile Home Subdivision.**

The following fees shall be charged at the time of filing an application for a special permit for a community unit plan as required in Chapter 27.65 or for a mobile home court or a mobile home subdivision under Sections 27.63.120 and 27.63.125:

(a) Filing fee of ~~\$250.00~~, \$750.00

(b) Unit fee of ~~\$25.00~~ \$50.00 per dwelling unit to a maximum unit fee of ~~\$2,500.00~~ \$3,000.00. Credit shall be given for any unit fees paid in connection with subdivision of the community unit plan. (Ord. 18229 §9; August 18, 2003: prior Ord. 17548 § 4; September 7, 1999: Ord. 15214 §4; July 10, 1989: Ord. 12571 §409; May 8, 1979).

**27.80.050 Mobile Home Courts and Mobile Home Subdivisions.**

(Repealed by Ord. 18229 §10; August 18, 2003: Ord. 17548 § 5; September 7, 1999: Ord.

15214 §5; July 10, 1989: Ord. 12657 §18; August 6, 1979: Ord. 12571 §410; May 8, 1979).

**27.80.060 Special Permit.**

The following filing fees shall be charged at the time of filing an application for a special permit under Chapter 27.63, other than mobile home courts, mobile home subdivisions, and community unit plans:

(a) If the area for which the special permit is requested is one acre or less, the fee shall be \$250.00;

(b) If the area for which the special permit is requested is in excess of one acre, the fee shall be ~~\$740.00~~ \$750.00. (Ord. 18229 §11; August 18, 2003: prior Ord. 17548 § 6; September 7, 1999: Ord. 15214 §6; July 10, 1989: Ord. 14138 §6; July 1, 1985: Ord. 12571 §411; May 8, 1979).

**27.80.070 Administrative Amendments.**

A filing fee of ~~\$125.00~~ \$150.00 shall be charged at the time of filing an application for an administrative amendment to a special permit, to a use permit, or to a planned unit development.

(Ord. 18229 §12; August 18, 2003: prior Ord. 17548 § 7; September 7, 1999: Ord. 15214 §7; July 10, 1989: Ord. 12571 §412; May 8, 1979).

**27.80.080 Board of Zoning Appeals.**

A filing fee of \$250.00 shall be charged at the time of filing an application for an appeal to

the Board of Zoning Appeals. (Ord. 18229 §13; August 18, 2003: prior Ord. 17548 § 8; September 7, 1999: Ord. 15214 §8; July 10, 1989: Ord. 12571 §413; May 8, 1979).

**27.80.090 Airport Zoning.**

A filing fee of \$250.00 shall be charged at the time of filing an application for an administrative height permit in connection with the airport zoning district, Chapter 27.59. (Ord. 18229 §14; August 18, 2003: prior Ord. 17548 § 9, September 7, 1999: Ord. 15214 §9; July 10, 1989: Ord. 12571 §414; May 8, 1979).

**27.80.100 Parking.**

A filing fee of \$250.00 shall be charged at the time of filing an application for a reduction

in required parking as provided in Section 27.67.030. (Ord. 18229 §15; August 18, 2003: prior Ord.

17548 § 10; September 7, 1999: Ord. 15214 §10; July 10, 1989: Ord. 12571 §415; May 8, 1979).

**27.80.105 Flood Plain Development Permits.**

A filing fee as set forth in the Lincoln Building Code shall be charged at the time of filing an application for a flood plain development permit under Chapter 27.55. (Ord. 18229 §16; August 18, 2003; prior Ord. 17063 §1; September 23, 1996).

**27.80.110 Changes in Text.**

A filing fee of ~~\$250.00~~ \$300.00 shall be charged at the time of filing an application for a change of text in Title 27 of the Lincoln Municipal Code. (Ord. 18229 §17; August 18, 2003; prior Ord. 17548 § 11; September 7, 1999; Ord. 15214 §11; July 10, 1989; Ord. 12571 §416; May 8, 1979).

**27.80.120 Subdivision Promotion Activity Permits.**

(Repealed by Ord. 18229 §18; August 18, 2003; prior Ord. 17548 § 12; September 7, 1999; Ord. 15214 §12; July 10, 1989; Ord. 12571 §417; May 8, 1979).

**27.80.125 Postponement Fee.**

A fee of ~~\$125.00~~ \$150.00 shall be charged at the time of filing an application that requires any additional legal notice. (Ord. 18229 §19; August 18, 2003).

**27.80.130 General Fees.**

A filing fee of \$250.00 shall be charged at the time of filing an application in connection with Title 27 of the Lincoln Municipal Code not otherwise covered by this chapter. (Ord. 18229 §20; August 18, 2003; prior Ord. 17548 § 13; September 7, 1999; Ord. 15214 §13; July 10, 1989; Ord. 12571 §418; May 8, 1979).

**27.80.135 Waiver Fees.**

A filing fee of \$250.00 shall be charged at the time of filing an application to waive and /or modify one or more ordinances requirements or design standards.

**27.80.140 Exemption for City Filing on Its Own Behalf.**

No fee shall be required when any application or request is initiated by the City Council on its own motion or by any council member or any person or group officially designated to participate in the administration of this title. (Ord. 18229 §21; August 18, 2003; prior Ord. 12571 §419; May 8, 1979).



## **Title 26 Land Subdivision Ordinance**

### **Chapter 26.33**

#### **FEES**

##### **Sections:**

- 26.33.010 General Regulations.**
- 26.33.020 Final Plat Fee.**
- 26.33.030 Preliminary Plat Fee.**
- 26.33.050 Corrected Final Plat Fee.**
- 26.33.060 Vacated Final Plat Fee.**
- 26.33.070 Request to Amend the Conditions of an Approved Final Plat; Fee.**
- 26.33.080 Exemption for City Filing on Its Own Behalf.**
- 26.33.090 Changes in Text; Fee.**
- 26.33.100 General Fees.**
- 26.33.110 ~~Waivers and Appeals; Fees.~~**
- 26.33.120 Street Name Change Fee.**
- 26.33.130 Postponement Fee.**

##### **26.33.010 General Regulations.**

The fees set forth in this chapter shall apply to this title. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the City Council or other appropriate authority. (Ord. 17917 §5; October 1, 2001).

##### **26.33.020 Final Plat Fee.**

The following fees shall be charged at the time of filing an application for a final plat:

- (a) Filing fee of ~~\$425.00~~ 150.00;
- (b) Unit fee of ~~\$25.00~~ 50.00 per lot to a maximum unit fee of ~~\$2,000.00~~ \$3,000.00
- (c) Street Tree Management fee of \$4.00 per street tree.

(Ord. 18255 §1; October 20, 2003; prior Ord. 18230 §12; August 18, 2003: Ord. 17917 §6; October 1, 2001).

##### **26.33.030 Preliminary Plat Fee.**

The following fees shall be charged at the time of filing an application for a preliminary final plat:

- (a) Filing fee of ~~\$600.00~~ \$750.00;
- (b) Unit fee of \$50.00 per lot to a maximum unit fee of ~~\$2,500.00~~ \$3,000.00.

(Ord. 18230 §13; August 18, 2003; prior Ord. 17917 §7; October 1, 2001).

**26.33.040 Final Plat Fee.**

(Repealed by Ord. 18230 §14; August 18, 2003: prior Ord. 17917 §7; October 1, 2001).

**26.33.050 Corrected Final Plat Fee.**

A filing fee of \$125.00 shall be charged at the time of filing an application for a corrected final plat, or to file an affidavit to correct a drafting error on an approved final plat. (Ord. 18230 §15; August 18, 2003: prior Ord. 17917 §8; October 1, 2001).

**26.33.060 Vacated Final Plat Fee.**

A filing fee of \$250.00 shall be charged at the time of filing an application to vacate a final plat. (Ord. 18230 §16; August 18, 2003: prior Ord. 17917 §9; October 1, 2001).

**26.33.070 Request to Amend the Conditions of an Approved Final Plat; Fee.**

A filing fee of \$250.00 shall be charged at the time of filing an application for a request to amend the conditions of approval for an approved final plat. (Ord. 18230 §17; August 18, 2003: prior Ord. 17917 §10; October 1, 2001).

**26.33.080 Exemption for City Filing on Its Own Behalf.**

No fee shall be required when any application or requested action is initiated by the City Council on its own motion or by any council member or any person or group officially designated to participate in the administration of this title. (Ord. 18230 §18; August 18, 2003: prior Ord. 17917 §11; October 1, 2001).

**26.33.090 Changes in Text; Fee.**

A filing fee of ~~\$250.00~~ \$300.00 shall be charged at the time of filing an application for a change of text to Title 26 of the Lincoln Municipal Code. (Ord. 18230 §19; August 18, 2003: prior Ord. 17917 §12; October 1, 2001).

**26.33.100 General Fees.**

A filing fee of \$250.00 shall be charged at the time of filing an application in connection with Title 26 of the Lincoln Municipal Code not otherwise covered by this chapter. (Ord. 18230 §20; August 18, 2003: prior Ord. 17917 §13; October 1, 2001).

**26.33.110 Waivers and Appeals; Fees.**

A filing fee of ~~\$125.00~~ \$250.00 shall be charged at the time of filing an application to waive and/or modify one or more ordinance requirements or design standards. (Ord. 18230 §21; August 18, 2003).

**26.33.120 Street Name Change Fee.**

A filing fee of \$250.00 shall be charged at the time of filing an application for a street name change. (Ord. 18230 §22; August 18, 2003).

**26.33.130 Postponement Fee.**

A filing fee of ~~\$125.00~~ \$150.00 shall be charged at the time of filing an application that requires any additional legal notice. (Ord. 18230 §23; August 18, 2003).

F:\FILES\PLANNING\PC\CZ\06000\cz06023.rfh.wpd